

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Jetze J. Tepe
Serial No.: 10/726,411
Filed: 12/03/2003
Entitled: NF-κB Inhibitors and Uses Thereof

Group No.: 1626
Examiner: Stockton, L.

**TERMINAL DISCLAIMER UNDER 37 C.F.R. §1.321(d) TO OBVIATE
PROVISIONAL OBVIOUSNESS-TYPE DOUBLE PATENTING
REJECTION OVER CO-PENDING U.S. PATENT APPLICATIONS NOS.
11/099,885 AND 11/435,169**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that this correspondence (along with any referred to as being attached or enclosed) is, on the date shown below, being deposited with the U.S. Patent and Trademark Office, via EFS, on

Dated: October 30, 2008

By: 
Traci E. Light

Sir:

I, the undersigned John S. Roberts, am an agent of record for this invention, and have power of attorney to act on behalf of the Assignees.

The Assignee, THE BOARD OF TRUSTEES OF MICHIGAN STATE UNIVERSITY, a constitutional corporation of the State of Michigan, Office of the Secretary of the Board of Trustees Michigan State University, 450 Administration Building, East Lansing MI 48824-1046, is the sole owner of one-hundred percent (100%) interest in the instant application. An assignment was filed in the parent Application Serial No. 10/347,323 (now United States Patent No. 6,878,735) and in a continuation-in-part thereof (Application Serial No. 10/449,662, now United States Patent No. 7,345,078), of which the instant application is a continuation-in-part and claims the priority thereof. The assignments were recorded in the Patent and Trademark Office at Reel 013685, Frame 0388 and Reel 014165, Reel 0463, respectively.

Petitioners hereby disclaim, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, if and to the extent such term would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173 of any of the claims corresponding to claims 22-28 of co-pending U.S. Application Serial No. 11/099,885 in any U.S. patent that may issue therefrom, and any of the claims corresponding to claims 19-25 of co-pending U.S. Application Serial No. 11/435,169

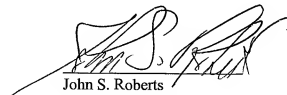
in any U.S. patent that may issue therefrom. Petitioners hereby agree that any patent so granted on the above-identified instant application or any patent subject to the reexamination proceeding shall be enforceable only for and during such period that said patent is commonly owned with either or both such patents, this agreement to run with any patent granted on the above-identified instant application and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioners do not disclaim the terminal part of any patent granted on the instant application and reserve the right to extend the term to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 if, and solely to the extent that, once the instant application issues, a claim corresponding to any of claims 22-28 of co-pending U.S. Application Serial No. 11/099,885 or a claim corresponding to any of claims 19-25 of co-pending U.S. Application Serial No. 11/435,169 should fail to issue in a patent, or expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally under 37 CFR 1.321, is cancelled by a reexamination certificate, is reissued, or is otherwise terminated prior to the expiration of its full statutory term.

Enclosed herewith is the fee set forth in 37 C.F.R. § 1.20(d) in accordance with 37 C.F.R. § 1.321(c).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: October 30, 2008


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